

REMARKS

Claims 11 through 30 were presented for examination in the present application and remain pending for consideration upon entry of this Amendment.

The drawing were objected to. Amended drawings are submitted herewith the present Amendment. Reconsideration and withdrawal of the objections to the drawings are respectfully requested.

The specification was objected to. The specification has been amended accordingly. Reconsideration and withdrawal of the objections to the specification are respectfully requested.

Claims 11 through 20 were rejected under 35 U.S.C. 112, second paragraph. Independent claim 11 has been amended so as to render the rejection moot. Because claims 12 through 20 depend from independent claim 11, the rejections to claims 12 through 20 are also rendered moot. Reconsideration and withdrawal of the rejections to claims 11 through 20 are respectfully requested.

Claims 11 through 30 were rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 4,843,822 ("Okada") in view of U.S. Patent No. 4,114,734 ("Bultmann").

Independent claim 11 now recites "a switching member for reversing a direction of rotation of the primary impeller or the secondary impeller, wherein the switching member has a first switching state and a second switching state, wherein the primary impeller and the secondary impeller rotate in opposite

directions with respect to each other in the first switching state, and wherein the primary impeller and the secondary impeller rotate in a same direction with respect to each other in the second switching state. (emphasis added)".

The Office Action acknowledges "Okada fails to disclose a switching member for reversing a direction of rotation of the primary impeller or the secondary impeller such that the primary impeller and the secondary impeller rotating in opposite directions with respect to each other". See, page 7, lines 5 - 7. However, in rejecting the pending claims, the Office Action asserts that "Bultmann teaches that it is conventional... to utilize a switching member (16, 17, 18) for reversing a direction of rotation of the primary impeller or the secondary impeller (13, 14) such that the primary impeller and the secondary impeller rotating in opposite directions with respect to each other". See, page 7, lines 8 - 11.

Applicants respectfully submit that neither Okada or Bultmann discloses or suggests a switching member having a second switching state in which the primary and second impellers rotate in the same direction. Consequently, Okada and Bultmann, either alone or in combination, fails to disclose or suggest claim 11. Claim 11 is in condition for allowance. Claims 12 through 20 depend from independent claim 11 and are in condition for allowance for at least the reasons set forth above with regard to claim 11. Reconsideration and withdrawal of the rejections to claims 12 through 20 are respectfully requested.

Independent claim 21 now recites "a switching member for reversing a direction of rotation of the primary impeller or the

secondary impeller, wherein the switching member has a first switching state and a second switching state, wherein the primary impeller and the secondary impeller rotate in opposite directions with respect to each other in the first switching state, and wherein the primary impeller and the secondary impeller rotate in a same direction with respect to each other in the second switching state (emphasis added)".

As stated previously, the combination of Okada and Bultmann fails to disclose or suggest a switching member having a second switching state in which the primary and second impellers rotate in the same direction.

Claim 21 is in condition for allowance. Claims 22 through 29 depend from independent claim 21 and are in condition for allowance for at least the reasons set forth above with regard to claim 21. Reconsideration and withdrawal of the rejections to claims 21 through 29 are respectfully requested.

Claim 30 now recites "A method of forming a counter-rotating hydrodynamic retarder comprising... reversing a direction of rotation of the primary impeller or the secondary impeller by changing a direction of flow of an exhaust gas flow path of the internal combustion engine, wherein the primary impeller and the secondary impeller rotate in opposite directions with respect to each other in a first switching state, and wherein the primary impeller and the secondary impeller rotate in a same direction with respect to each other in a second switching state (emphasis added)"

As stated previously, Okada and Bultmann fail to disclose

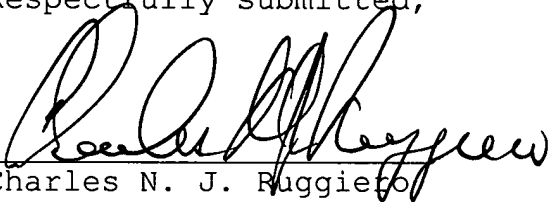
or suggest the switching member now recited by claim 30. Claim 30 is in condition for allowance. Reconsideration and withdrawal of the rejection to claim 30 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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